

4/16/13

2013-006
City of Chattanooga/RPA
District No. 4
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED ON AMBERLEY TRAIL, COLONIAL PARKWAY, ELLINGTON WAY, FENCHCROFT LANE, HAVEN CREST DRIVE, IGOU GAP ROAD, KING COURT LANE, MORRIS GLEN COURT, MORRIS HILL ROAD, PEBBLE CREEK ROAD, PINE NEEDLES TRAIL, AND RAY JO CIRCLE, ANNEXATION AREA 11A, FROM TEMPORARY ZONES TO PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended pursuant to Section 38-653 so as to rezone properties located Amberley Trail, Colonial Parkway, Ellington Way, Fenchcroft Lane, Haven Crest Drive, Igou Gap Road, King Court Lane, Morris Glen Court, Morris Hill Road, Pebble Creek Road, Pine Needles Trail, and Ray Jo Circle, annexed to the City by Ordinance Nos. 12299 and 12557 and identified as Area 11A, more particularly described herein:

Beginning in the current city limit boundary on Morris Hill Road in the northwest corner of property now or formerly owned by Steven Burroughs (159D-B-023); thence proceeding southeasterly a distance of 425 feet, more or less, to the northwest corner of property now or formerly owned by Braithe Krause (159D-B019.01); thence proceeding southeasterly a distance of 770 feet, more or less, to the northwest corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwardly a distance of 2,980 feet, more or less,

along the eastern boundary of said Holsomback property to the northeast corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019.01); thence proceeding southwardly a distance of 612 feet, more or less, to the east corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwesterly 185 feet, more or less, to a point directly across from the intersection of Igou Gap Road right of way and the south corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding northwesterly a distance of 155 feet, more or less, along the southern line of Igou Gap Road right of way to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-006); thence proceeding southwesterly a distance of 207 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-001); thence proceeding southwesterly a distance of 440 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-021); thence proceeding southwesterly a distance of 500 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-018); thence proceeding southwesterly a distance of 160 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-014); thence proceeding southwesterly a distance of 480 feet, more or less, to the northeast corner of Lot 12 now or formerly owned by Arthur and Lisa Quarles (159K-F-026) Ellington Place Subdivision (Plat Book 59, page 207); thence proceeding South 24 degrees West a distance of 970 feet, more or less, at the intersection of Lot 24 now or formerly owned by Derrick and Janet Eaton (159K-F-014) Ellington Place Subdivision and Lot 29 now or formerly owned by David Bevilaqua (159N-C-015.05) Ray Jo Estates Subdivision (Plat Book 31, page 162); thence proceeding South 24 degrees West a distance of 732 feet, more or less, at the intersection of Lot 25 now or formerly owned by Joseph Bevilaqua (159N-C-015.02) Ray Jo Estates Subdivision and the northwest corner of property now or formerly owned by Tennessee American Water Company (159M-A-024.01); thence proceeding eastward a distance of 605 feet, more or less, to the northwest corner of property now or formerly owned by Doyle Chadwick (159M-A-025); thence proceeding southeasterly a distance of 70 feet, more or less, to the northwest corner of property now or formerly owned by Fred Edgmon (159M-B-001); thence proceeding southwesterly a distance of 732 feet, more or less, to the intersection of the

northeast corner of property now or formerly owned by Fred Edgmon (159M-B-001) and the Banks Road right of way; thence proceeding southwesterly a distance of 300 feet, more or less, along the western line of the Banks Road right of way to the intersection of East Brainerd Road and the southern corner of property now or formerly owned by Fred Edgmon (159M-B-001); thence proceeding southwesterly a distance of 3,000 feet, more or less, along the right of way of East Brainerd Road including the whole right of way to the intersection of the southeastern corner of property now or formerly owned by John and Shelia Harvey (171 C-B-005) and the current City of Chattanooga boundary; thence proceeding northwardly a distance of 365 feet, more or less, along the current City of Chattanooga boundary to the southwest corner of property now or formerly owned by Floyd & Martha Ratliff (171C-B-004); thence proceeding northeasterly a distance of 70 feet, more or less, along the current City of Chattanooga boundary to the west corner of property now or formerly owned by Lester & Elizabeth Sandidge (171C-B-003.02); thence proceeding northwardly a distance of 360 feet, more or less, along the current City of Chattanooga boundary to the northeast corner of property now or formerly owned by James Million (171 C-B-017); thence proceeding southwesterly a distance of 930 feet, more or less, along the current City of Chattanooga boundary to the southeast corner of property now or formerly owned by John and Janice Gray (171C-B-010); thence proceeding westerly a distance of 500 feet, more or less, along the current City of Chattanooga boundary to the intersection of the southwest corner of property now or formerly owned by John and Janice Gray (171C-B-010) and the Morris Hill Road right of way; thence proceeding Northeasterly a distance of 2,170 feet, more or less, to the northeast corner of property now or formerly owned by William and Marcia Casteel (159N-C-002); thence proceeding southeasterly 1,275 feet, more or less, along the current City of Chattanooga boundary to the northwest corner of Lot 35 now or formerly owned by Harley and Clara Caylor (159M-B-005) Ryall Springs Subdivision (Plat Book 8, page 31); thence proceeding northeasterly a distance of 975 feet, more or less, along the current City of Chattanooga boundary to the intersection of west corner of property now or formerly owned by Doyal Chadwick (159M-A-025) and the southeast corner of property now or formerly owned by Tennessee American Water Company (159M-A-024.01); thence proceeding westerly a distance of 1,680 feet, more or less, along the current City of Chattanooga boundary to the southwest corner of said Lot 1 now

or formerly owned by Gary and Brenda Matlock (I 59N-C-006) Ray Jo Estates Subdivision Unit One (Plat Book 25, Page 11); thence proceeding northeasterly a distance of 6,740 feet, more or less, along the eastern line of Morris Hill Road right of way to the point of beginning, Included in this annexation are all tax parcels listed below and road right of ways as shown on the accompanying attached map for Annexation Zone 11A.

and as shown on the maps attached hereto and made a part hereof by reference to establish permanent zones for the parcels in said area.

SECTION 2. BE IT FURTHER ORDAINED, That Tax Map Nos. 159M-B-001.03, 159M-B-002, 159M-B-002.01, 159M-B-003, and 159M-B-010 are hereby permanently rezoned from temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 3. BE IT FURTHER ORDAINED, That Tax Map No. 159M-B-001 is hereby permanently rezoned from temporary C-2 Convenience Commercial Zone and R-1 Residential Zone to C-2 Convenience Commercial Zone and R-1 Residential Zone, following existing zoning boundary lines.

SECTION 4. BE IT FURTHER ORDAINED, That Tax Map Nos. 171C-B-002, 171C-B-002.02, 171C-B-002.03, 171C-B-003 and 171C-B-003.01 are hereby permanently rezoned from temporary C-5 Neighborhood Commercial Zone to C-5 Neighborhood Commercial Zone, subject to only two ingress/egress point from East Brainerd Road, following existing zoning boundary lines.

SECTION 5. BE IT FURTHER ORDAINED, That Tax Map No. 171C-B-003.02 hereby permanently rezoned from temporary C-5 Neighborhood Commercial Zone and R-2 Residential Zone to C-5 Neighborhood Commercial Zone and R-2 Residential Zone, subject to only two ingress/egress point from East Brainerd Road, following existing zoning boundary lines.

SECTION 6. BE IT FURTHER ORDAINED, That Tax Map Nos. 159D-A-001 thru 159D-A-015, 159D-B-001 thru 159D-B-018, and 159D-B-020 thru 159D-B-023, 159D-C-019 and 159D-C-019.01, 159E-A-002 thru 159E-A-004, 159F-C-001 thru 004, 159K-D-010 thru 159K-D-012, 159K-D-013.01, 159K-D-013.02, 159K-D-014, 159K-D-016, 159K-D-017 thru 159K-D-017.05, 159K-D-019 thru 159K-D-019.02, 159K-E-001 thru 159K-E-007, 159K-F-001 thru 159K-F-030, 159M-A-024.01 and 159M-A-025, 159N-C-001 thru 159N-C-004.02, 171C-B-014 thru 171C-B-014.02, 171C-B-017 thru 171C-B-021.01, 171C-B-023 and 171C-B-023.01 are hereby permanently rezoned from temporary R-1 Residential Zone to R-1 Residential Zone.

SECTION 7. BE IT FURTHER ORDAINED, That Tax Map No. 159M-B-001.04 is hereby permanently rezoned from temporary R-1 Residential Zone, R-2 Residential Zone, and C-2 Convenience Commercial Zone to R-1 Residential Zone.

SECTION 8. BE IT FURTHER ORDAINED, That Tax Map Nos. 159D-B-019.01 thru 159D-B-019.19, 159E-A-001, 159E-D-001 thru 159E-D-039, 159K-C-001 thru 159K-C-014, 159K-D-001 thru 159K-D-009, 159K-D-018, 159K-D-020, 159K-D-021, 159N-C-006 thru 159N-C-021 are hereby permanently rezoned from temporary R-2 Residential Zone to R-1 Residential Zone.

SECTION 9. BE IT FURTHER ORDAINED, That Tax Map Nos. 171C-B-010 thru 171C-B-013 and 171C-B-016 are hereby permanently rezoned from temporary R-1 Residential Zone and R-2 Residential Zone to R-1 Residential Zone and R-2 Residential Zone, following existing zoning boundary lines.

SECTION 10. BE IT FURTHER ORDAINED, That Tax Map Nos. 159M-B-004 thru 159M-B-009, and 171C-B-001 are hereby permanently rezoned from temporary R-1 Residential Zone and R-2 Residential Zone to R-2 Residential Zone.

SECTION 11. BE IT FURTHER ORDAINED, That Tax Map Nos. 171C-B-002.01, 171C-B-002.04, 171C-B-004, 171C-B-005, 171C-B-021.02, and 171C-B-022 are hereby permanently rezoned from temporary R-2 Residential Zone to R-2 Residential Zone.

SECTION 12. BE IT FURTHER ORDAINED, That Tax Map Nos. 159E-A-005, 159E-A-005.01, and 159E-A-006 are hereby permanently rezoned from temporary R-5 Residential Zone to R-5 Residential Zone.

SECTION 13. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

MAYOR

/mms

2013-006 City of Chattanooga
February 11, 2013 (Deferred)
March 11, 2013 (Action)
(Revised 3-20-13)

RESOLUTION

WHEREAS, City of Chattanooga/RPA petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning from Temporary Zone to Permanent Zone, per City Code Article XII, Section 38-653 - Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as "Area 11-A" of Ordinance #12299 and Ordinance #12557, properties located on Amberley Trail, Colonial Parkway, Ellington Way, Fenchcroft Lane, Haven Crest Drive, Igou Gap Road, King Court Lane, Morris Glen Court, Morris Hill Road, Pebble Creek Road, Pine Needles Trail, and Ray Jo Circle.

Beginning in the current city limit boundary on Morris Hill Road in the northwest corner of property now or formerly owned by Steven Burroughs (159D-B-023); thence proceeding southeasterly a distance of 425 feet, more or less, to the northwest corner of property now or formerly owned by Braithe Krause (159D-B019.01); thence proceeding southeasterly a distance of 770 feet, more or less, to the northwest corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwardly a distance of 2,980 feet, more or less, along the eastern boundary of said Holsomback property to the northeast corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019.01); thence proceeding southwardly a distance of 612 feet, more or less, to the east corner of property now or formerly owned by Jerry and Carolyn Holsomback (159D-C-019); thence proceeding southwesterly 185 feet, more or less, to a point directly across from the intersection of Igou Gap Road right of way and the south corner of property now or formerly owned by Jerry and Carolyn Holsomback

(159D-C-019); thence proceeding northwesterly a distance of 155 feet, more or less, along the southern line of Igou Gap Road right of way to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-006); thence proceeding southwesterly a distance of 207 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159E-A-001); thence proceeding southwesterly a distance of 440 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-021); thence proceeding southwesterly a distance of 500 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-018); thence proceeding southwesterly a distance of 160 feet, more or less, to the northeast corner of property now or formerly owned by John and Jill Pratt (159K-D-014); thence proceeding southwesterly a distance of 480 feet, more or less, to the northeast corner of Lot 12 now or formerly owned by Arthur and Lisa Quarles (159K-F-026) Ellington Place Subdivision (Plat Book 59, page 207); thence proceeding South 24 degrees West a distance of 970 feet, more or less, at the intersection of Lot 24 now or formerly owned by Derrick and Janet Eaton (159K-F-014) Ellington Place Subdivision and Lot 29 now or formerly owned by David Bevilaqua (159N-C-015.05) Ray Jo Estates Subdivision (Plat Book 31, page 162); thence proceeding South 24 degrees West a distance of 732 feet, more or less, at the intersection of Lot 25 now or formerly owned by Joseph Bevilaqua (159N-C-015.02) Ray Jo Estates Subdivision and the northwest corner of property now or formerly owned by Tennessee American Water Company (159M-A-024.01); thence proceeding eastward a distance of 605 feet, more or less, to the northwest corner of property now or formerly owned by Doyle Chadwick (159M-A-025); thence proceeding southeasterly a distance of 70 feet, more or less, to the northwest corner of property now or formerly owned by Fred Edgmon (159M-B-001); thence proceeding southwesterly a distance of 732 feet, more or less, to the intersection of the northeast corner of property now or formerly owned by Fred Edgmon

(159M-B-001) and the Banks Road right of way; thence proceeding southwesterly a distance of 300 feet, more or less, along the western line of the Banks Road right of way to the intersection of East Brainerd Road and the southern corner of property now or formerly owned by Fred Edgmon (159M-B-001); thence proceeding southwesterly a distance of 3,000 feet, more or less, along the right of way of East Brainerd Road including the whole right of way to the intersection of the southeastern corner of property now or formerly owned by John and Shelia Harvey (171 C-B-005) and the current City of Chattanooga boundary; thence proceeding northwardly a distance of 365 feet, more or less, along the current City of Chattanooga boundary to the southwest corner of property now or formerly owned by Floyd & Martha Ratliff (171C-B-004); thence proceeding northeasterly a distance of 70 feet, more or less, along the current City of Chattanooga boundary to the west corner of property now or formerly owned by Lester & Elizabeth Sandidge (171C-B-003.02); thence proceeding northwardly a distance of 360 feet, more or less, along the current City of Chattanooga boundary to the northeast corner of property now or formerly owned by James Million (171 C-B-017); thence proceeding southwesterly a distance of 930 feet, more or less, along the current City of Chattanooga boundary to the southeast corner of property now or formerly owned by John and Janice Gray (171C-B-010); thence proceeding westerly a distance of 500 feet, more or less, along the current City of Chattanooga boundary to the intersection of the southwest corner of property now or formerly owned by John and Janice Gray (171C-B-010) and the Morris Hill Road right of way; thence proceeding Northeasterly a distance of 2,170 feet, more or less, to the northeast corner of property now or formerly owned by William and Marcia Casteel (159N-C-002); thence proceeding southeasterly 1,275 feet, more or less, along the current City of Chattanooga boundary to the northwest corner of Lot 35 now or formerly owned by Harley and Clara Caylor (159M-B-005) Ryall Springs Subdivision (Plat Book 8, page 31); thence proceeding

northeasterly a distance of 975 feet, more or less, along the current City of Chattanooga boundary to the intersection of west corner of property now or formerly owned by Doyal Chadwick (159M-A-025) and the southeast corner of property now or formerly owned by Tennessee American Water Company (159M-A-024.01); thence proceeding westerly a distance of 1,680 feet, more or less, along the current City of Chattanooga boundary to the southwest corner of said Lot 1 now or formerly owned by Gary and Brenda Matlock (I 59N-C-006) Ray Jo Estates Subdivision Unit One (Plat Book 25, Page 11); thence proceeding northeasterly a distance of 6,740 feet, more or less, along the eastern line of Morris Hill Road right of way to the point of beginning, Included in this annexation are all tax parcels listed below and road right of ways as shown on the accompanying attached map for Annexation Zone 11 A. References herein to Plat Books refers to the official records the Hamilton County Register of Deeds and references to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. Permanent zones are as follows by tax map numbers:

To be rezoned C-2: Tax Map 159M-B-001.03, 002, 002.01, 003 and 010.

To be rezoned C-2 and R-1: Tax Map 159M-B-001 (following existing zoning boundary lines.)

To be rezoned C-5 with conditions: Tax Map 171C-B-002, 002.02, 002.03, 003 and 003.01 subject to only two ingress/egress point from East Brainerd Road.

To be rezoned C-5 and R-2 with conditions: Tax Map 171C-B-003.02 subject to only two ingress/egress point from East Brainerd Road (following existing zoning boundary lines.)

To be rezoned R-1: Tax Map 159D-A-001 thru 015, 159D-B-001 thru 018, and 020 thru 023, 159D-C-019 and 019.01, 159E-A-002 thru 004, 159F-C-001 thru 004, 159K D 010 thru 012, 013.01, 013.02, 014, 016, 017 thru 017.05, 159K-D-019 thru 019.02, 159K-E-001 thru 007, 159K-F-001 thru

030, 159M-A-024.01 and 025, 159M-B-001.04, 159N-C-001 thru 004.02, 171C-B-014 thru 014.02, 017 thru 021.01, 023 and 023.01.

To be rezoned R-1 and R-2: Tax Map 171C-B-010 thru 013 and 016

(following existing zoning boundary lines.)

To be rezoned R-2: Tax Map 159D-B-019.01 thru 019.19, 159E-A-001, 159E-D-001 thru 039, 159K-C-001 thru 014, 159K-D-001 thru 009, 159K-D-018, 020 and 021, 159M-B-004 thru 009, 159N-C-006 thru 021, 171C-B-001, 002.01, 002.04, 004, 005, 021.02 and 022.

To be rezoned R-5: Tax Map 159E-A-005, 005.01 and 006.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 11, 2013, at which time action was deferred until March 11, 2013

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on March 11, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved as permanent zones with conditions noted as follows:

To be rezoned C-2: Tax Map 159M-B-001.03, 002, 002.01, 003 and 010.

To be rezoned C-2 and R-1: Tax Map 159M-B-001 (following existing zoning boundary lines.)

To be rezoned C-5 with conditions: Tax Map 171C-B-002, 002.02, 002.03, 003 and 003.01 subject to only two ingress/egress point from East Brainerd Road.

To be rezoned C-5 and R-2 with conditions: Tax Map 171C-B-003.02 subject to only two ingress/egress point from East Brainerd Road (following existing zoning boundary lines.)

To be rezoned R-1: Tax Map 159D-A-001 thru 015, 159D-B-001 thru 023, 159D-C-019 and 019.01, 159E-A-001 thru 004, 159E-D-001 thru 039, 159F-C-001 thru 004, 159K-C-001 thru 014, 159K D 001 thru 012, 013.01, 013.02, 014, 016, 017 thru 021, 159K-E-001 thru 007, 159K-F-001 thru 030, 159M-A-024.01 and 025, 159M-B-001.04, 159N-C-001 thru 004.02, 159N-C-006 thru 021, 171C-B-014 thru 014.02, 017 thru 021.01, 023 and 023.01.

To be rezoned R-1 and R-2: Tax Map 171C-B-010 thru 013 and 016 (following existing zoning boundary lines.)

To be rezoned R-2: Tax Map 159M-B-004 thru 009, 171C-B-001, 002.01, 002.04, 004, 005, 021.02 and 022.

To be rezoned R-5: Tax Map 159E-A-005, 005.01 and 006.

Respectfully submitted,

John Bridger
Secretary

Zoning Request Form

Print Form

Chattanooga-Hamilton County



Regional Planning Agency

1250 Market Street
Suite 2000

Development Resource Center
Chattanooga, Tennessee
37402

Phone: 423-668-2287

Fax: 423-668-2289

www.chcrpa.org

Office Use Only
Case Number: 2013-006
Date Submitted: 11/12/2012
Planning District: 10
County District: 7
City District: 4
Jurisdiction: Hamilton County
Neighborhood: None
Staff Action:
PC Action/Date:
Legis. Action/Date:

Zoning Request:	
From: "Temporary Zone" R-1, R-2, R-5, C-2, and C-5	To: "Permanent Zone"
Proposed Development or Use: Per City Code Article XII., Section 38-653 - Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as "Area 11-A" of Ordinance #12299 and Ordinance #12557	

Property Location / Information	
Address: (Street Number & Street Name) Amberley Trail, Colonial Pkwy, Ellington Wy, Fenchcroft Ln, Haven Crest Dr, Igou Gap Rd, King Court Ln, Morris Glen Court, Morris Hill Rd, Pebble Creek Rd, Pine Needles Trl, Ray Jo Circle	Tax Map No: 159 & 171 (see attached list) 284 Parcels Plat Book/Page No.
Current Use:	Adjacent Uses:

Applicant Information
 All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filing this application (e.g. engineer, architect, consultant, broker, etc.).

- Property Owner
 Architect
 Engineer
 Optionee
 Purchaser of Property
 Trustee
 Other:

Name	City of Chattanooga - RPA	
Address:	1250 Market St, Suite 2000	
City	Chattanooga	State: TN
Zip Code:	37402	
Daytime Phone:	423-668-2287	
Cell Phone:		
Other Phone:		
Email:		
Fax:		

Property Owner Information (if not applicable)
Name:
Address:
Phone:

CHECKLIST (OFFICE USE ONLY)

<input type="checkbox"/> Application Complete	<input type="checkbox"/> Deeds for property to be rezoned
<input type="checkbox"/> Ownership Verification (Tax Map Printout, Letter)	<input type="checkbox"/> Deed Book
<input type="checkbox"/> Map showing property to be rezoned	<input type="checkbox"/> Copy of Plats, if applicable
<input type="checkbox"/> Site Plan, if applicable	<input type="checkbox"/> Plat Book/Page
<input type="checkbox"/> Total acres to be considered	<input type="checkbox"/> Notice Signs How Many?
<input type="checkbox"/> Filing Fee	<input type="checkbox"/> Cash <input type="checkbox"/> Check No.

Accepted by: Pattie Dodd Date: 11/12/2012

Case Number:	2013-006
Applicant Request:	Zoning Plan for Annexation Area 11A
Applicant:	City of Chattanooga - RPA
Property Address:	Amberley Trail, Colonial Parkway, Ellington Wy, Fenchcroft Lane, Haven Crest Drive, Igou Gap Road, King Court Lane, Morris Glen Court, Morris Hill Road, Pebble Creek Road, Pine Needles Trail, Ray Jo Circle
Jurisdiction:	Chattanooga District 4/ Hamilton County District 7
Neighborhood:	East Brainerd
Proposed Development	PLANNING COMMISSION ACTION:
Site Plan Submitted:	Yes Approve
Proposed Use:	Per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 11-A” of Ordinance #12299 and Ordinance #12557
Site Characteristics	
Current Zoning:	Temporary Zone R-1 Residential, R-2 Residential, R-5 Residential, C-2 Convenience Commercial, and C-5 Neighborhood Commercial
Current Use:	Mix of residential and non-residential uses
STAFF RECOMMENDATION:	APPROVE ZONING PLAN PER ATTACHED TABLE

Comments

Planning Staff:

Annexation and Zoning Plan

This property was annexed by the City of Chattanooga, effective 12/31/2012.

Per Sec. 38-653 per the City Code, “Sec. 38-653. Zoning plan for newly annexed areas. It shall be the duty of the Planning Commission, within ninety (90) days of the effective date of annexation, to recommend a zoning plan for the newly annexed areas to the City Council. Following the receipt of the recommendation of such a zoning plan from the Planning Commission, the City Council after giving notice as required in article XIII regarding changes and amendments to the zoning ordinance, shall thereafter adopt a zoning plan as an amendment to the official zoning map for the newly annexed area.”

Grandfathered/Non-Conforming Status

Zoning controls how a piece of property can be used. Sometimes, such as part of the annexation Zoning Plan process, zoning for an area is changed leaving some properties with a zone that does not permit the use that is already on it. That use is called a “legal-non-conforming” or “grandfathered” use. Generally, the use is considered legal and may stay unless it is discovered that the use has been discontinued for 100 days or more. In such cases, the property is referred to as having lost its “grandfathered” status.

Below is language directly out of the City Code regarding this issue:

Chattanooga City Code, Chapter 38: ARTICLE VII. NON-CONFORMING USES

Sec. 38-541. Buildings in use at time zoning ordinance passed.

(2) If such non-conforming building is removed or the non-conforming

use of such building is discontinued for 100 consecutive days regardless of the intent of the owner or occupant of such building to continue or discontinue such use, every future use of such premises shall be in conformity with the provisions of the Ordinance.

Property owners may contact the RPA Development Services Office at (423) 668-2287 to find out the current zoning of a property. Questions regarding zoning enforcement, including non-conforming uses, should be directed to the City of Chattanooga Land Development Office at (423) 643-5883.

Zoning Conditions

As conditions are used to mitigate potential negative impacts caused by the rezoning of property, this Zoning Plan is recommending maintaining conditions that were placed on property at its time of rezoning. These conditions, if any, are specified in the following table.

Staff Recommendation (see revision at bottom)

Staff has reviewed the land use and zoning pattern in the newly annexed area and is, for the most part, recommending a permanent zone that is comparable to the property's temporary classification listed in Sec. 38-651 of the City Code. The temporary classifications are the zones most similar to the former unincorporated Hamilton County zoning districts. In cases where a parcel contains multiple zoning designations, staff may recommend one zone, most often reflective of the predominant temporary zone, for the entirety of the parcel.

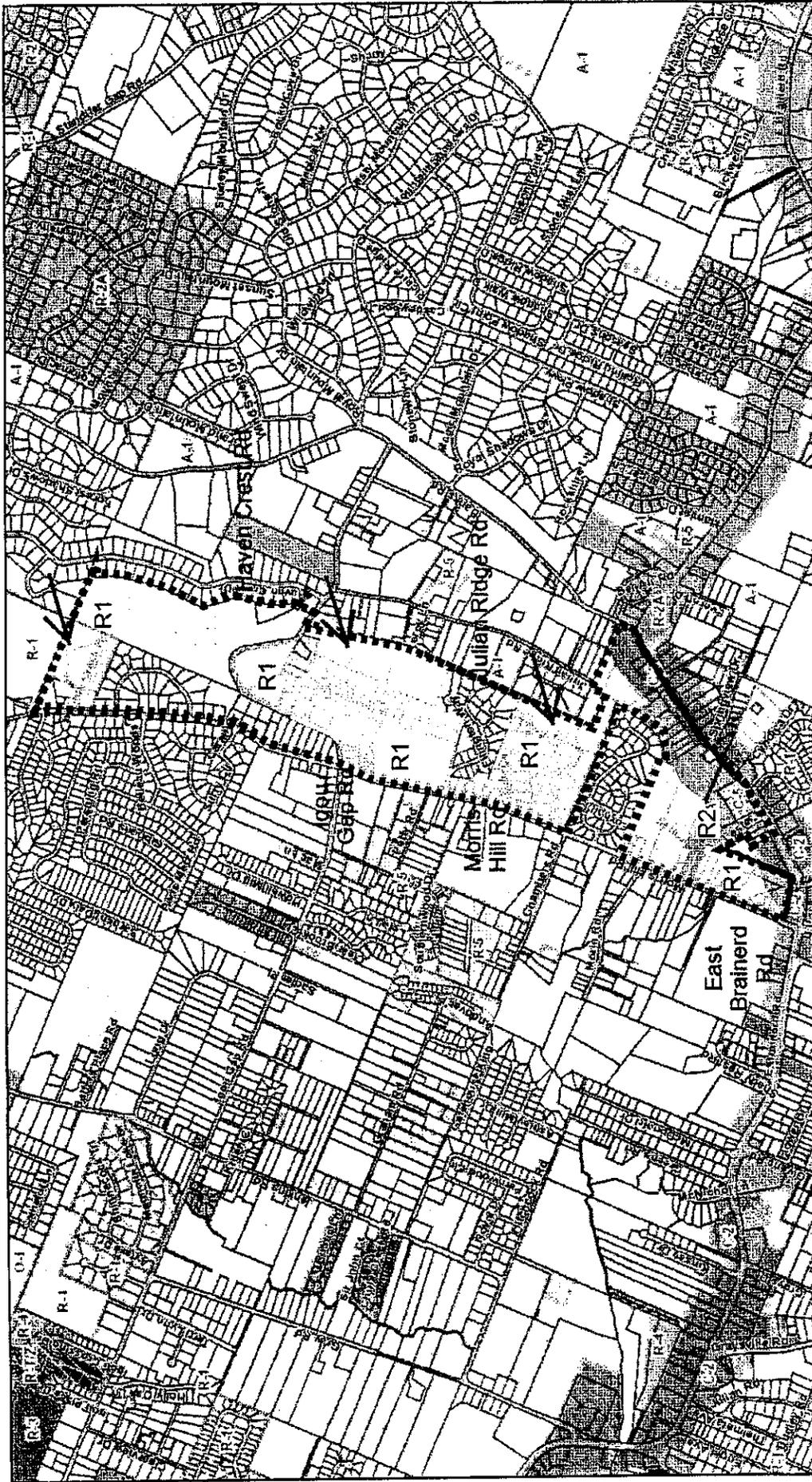
For this area, it includes the following recommended permanent zone(s):

FORMER COUNTY DISTRICT CLASSIFICATION	TEMPORARY CITY ZONE	RECOMMENDED PERMANENT CITY ZONE
A-1 Agricultural District R-1 Single – Family Residential District	R-1 Residential Zone	R-1 Residential Zone
R-2 Urban Residential District R-2A Rural Residential District	R-2 Residential Zone	R-2 Residential Zone
R-5 Single Lot Manufactured Home District	R-5 Residential Zone	R-5 Residential Zone

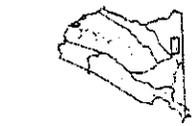
FORMER COUNTY DISTRICT CLASSIFICATION	TEMPORARY CITY ZONE	RECOMMENDED PERMANENT CITY ZONE
C-1 Tourist Court & Motel District	C-2 Convenience Commercial Zone	C-2 Convenience Commercial Zone
C-2 Local Business Commercial District	C-2 Convenience Commercial Zone	C-2 Convenience Commercial Zone
C-3 General Business District	C-2 Convenience Commercial Zone	C-2 Convenience Commercial Zone
C-5 Neighborhood Commercial District	C-5 Neighborhood Commercial Zone	C-5 Neighborhood Commercial Zone

Revision to Staff Recommendation

The Planning Commission deferred action on this case at the February 11, 2013 meeting. The City of Chattanooga's R-2 Residential Zone classification includes duplexes as permitted uses. It was the concern of the Planning Commission that in order to protect the single-family character of existing neighborhoods, a recommendation for the permanent zone should be reconsidered as an R-1 Residential Zone instead of the R-2 Zone. The R-1 Residential Zone does not list duplexes as a permitted use. Staff is in agreement with this recommendation. Therefore, R-2 properties in single-family neighborhoods are listed in the attached table with recommendations for the permanent zones to be R-1 Residential.



2013-006 Annexation Area 11-A Rezoning from Temporary to Permanent Zones



1,700 ft

PERMANENT ZONING MAP



Chattanooga Hamilton County Regional Planning Agency



2013-006 Annexation Area 11-A Rezoning from Temporary to Permanent Zones

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-006: Approve



1,700 ft



Chattanooga Hamilton County Regional Planning Agency

NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2013-006 City of Chattanooga/RPA. Amberley Trail, Colonial Parkway, Ellington Way, Fenchcroft Lane, Haven Crest Drive, Igou Gap Road, King Court Lane, Morris Glen Court, Morris Hill Road, Pebble Creek Road, Pine Needles Trail, and Ray Jo Circle, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 11A” of Ordinance Nos. 12299 and 12557, subject to certain conditions.

2013-037 Rohdie Group, LLC/Willie Mae Sweeney. 6839 McCutcheon Road, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2013-033 Richard Davis, Broker/First Citizens Bank & Trust. 7331 Shallowford Road, from R-4 Special Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Amending Section 38-2, Definitions for Animal, Domestic; Animal, Farm/Livestock or Fowl; Animal, Wild or Exotic; Cemetary, Pet; Crematory, Pet; Household Pet; Livestock; Hospital, Domestic Animal; and Mobile food unit.
- (b) Amending Sections 38-122, 38-184, 38-204, and 38-302, Uses permitted as special exceptions by the Board of Appeals; and

(c) Amending Section 38-568, Powers, etc., of board; hearings.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

April 16, 2013

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2013.

Carol K. O'Neal, CMC
Clerk to the City Council